CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

SEPTEMBER 7, 2004

INVOCATION
Karen Franklin of the Baha'i Spiritual Assembly gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG
Councilmember Mariscal led the pledge of allegiance.

ROLL CALL
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

ALSO PRESENT
Assistant City Manager Haydon, Interim City Attorney Stockton, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Director of Public Works Karp, Police Chief Macagni, Fire Chief Ortiz, Director of Utilities Chisam, Recreation and Parks Director Posada, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS
Mayor Lavagnino announced that the City had received notice on September 7, 2004, that, due to a ruling by a judge in a pending case, the City must decide by no later than September 14, 2004, whether to initiate litigation in one matter. Because the notice arrived today, the need for action came to the attention of the City after the agenda for this meeting was posted. Because the Council will not meet again before September 14, 2004, there is a need for immediate action.

On motion by Councilmember Mariscal, second by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

a Closed Session item was added to the agenda for CONFERENCE WITH LEGAL COUNCIL regarding Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code. 1 matter

RESOLUTION – STEVE MESSINA & RAY MARROQUIN
Councilmember Patino read a resolution commending Steve Messina and Ray Marroquin for their brave and heroic actions in assisting in the rescue of Jennifer Mills from her burning vehicle on July 23, 2004, on U.S. Highway 101 and Broadway.

Resolution No. 2004-163 was adopted on motion by Councilmember Mariscal, second by Councilmember Orach, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Councilmember Patino presented individual resolutions to Steve Messina and Ray Marroquin.

Fire Chief Ortiz presented Mr. Messina and Mr. Marroquin with Fire Department hats.

Bruce Moncher, California Highway Patrol, thanked Mr. Messina and Mr. Marroquin for getting involved and risking their lives to help Miss Mills.

Jennifer Mills presented each of the gentleman with a gift of a watch to express her appreciation in giving her back the gift of time.

PROCLAMATION – SANTA MARIA'S CENTENNIAL CELEBRATION
Mayor Lavagnino read the proclamation declaring September 12, 2004, through September 12, 2005, as Santa Maria's Centennial Celebration in the City of Santa Maria and encouraging the residents of the Santa Maria Valley to celebrate and participate in the numerous activities, events, and programs which will occur throughout the yearlong celebration. The proclamation was presented to Director of Recreation and Parks Posada.

CENTENNIAL COMMITTEE INTRODUCTION
Mayor Lavagnino recognized the members of the Centennial Celebration Committee and the Centennial sponsors and gave an overview of the Centennial activities being planned.

Director of Recreation and Parks Posada introduced the members of the Centennial Celebration Committee and presented those present with a Certificate of Appreciation and a Centennial Coin. He also recognized the sponsors for the Centennial Celebration with Certificates of Appreciation and Centennial Coins.

CONSENT CALENDAR
Jack Adam requested Item 2O be pulled for discussion.

Mr. Adam requested the Memorandum of Understanding with the Nipomo Community Services District for the sale of up to 3,000 acre-feet of supplemental water per year be placed on a regular agenda to allow the public to provide input and get information.

Mayor Lavagnino explained that the Memorandum of Understanding was just the first step in the process and the details had not yet been worked out. He asked the Director of Utilities to meet with Mr. Adam.

Consent Calendar Items A through O were accepted, approved with the indicated action, and ordered ratified on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of August 17, 2004, and the Special Meeting of August 20, 2004, were approved as submitted.

C. BIENNIAL NOTICE
The 2004 Conflict of Interest Code Biennial Notice was received and filed.

D. BOND RELEASE – RIVER OAKS NORTH, PHASES 2 & 3
Authorization was granted to release a Faithful Performance Bond for River Oaks North, Tract 5778, Phases 2 & 3, in the amount of $25,000 for the construction and installation of public improvements, with the order that the Contractor, Labor and Material Bond be held until March 2005 and the Guarantee and Defective Material Bond be held until September 2005.

E. BOND RELEASE – RIVER OAKS NORTH, PHASE 4
Authorization was granted to release a Faithful Performance Bond for River Oaks North, Tract 5778, Phase 4 in the amount of $25,000 for the construction and installation of public improvements, with the order that the Contractor, Labor and Material Bond be held until

March 2005 and the Guarantee and Defective Material Bond be held until September 2005.

F. BOND RELEASE – SOMERSET GARDENS II
Authorization was granted to release a Faithful Performance Bond for Somerset Gardens, II, Tract 5842 in the amount of $15,000 for the construction and installation of public improvements, with the order that the Contractor, Labor and Material Bond be held until March 2005 and the Guarantee and Defective Material Bond be held until September 2005.

G. WARRANTS
Warrant Nos. 114635 to 115050 in the amount of $3,038,842.91 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 114460, 114458, 114498, 114532, 114536, 114551, 114575, 114609, 114611, 114618 and 114809 were canceled.

H. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

I. GROWTH MITIGATION ANNUAL COMPLIANCE REPORT
The 2004 Growth Mitigation Annual Compliance Report was received and filed.

J. ENTERTAINMENT LICENSE
An Entertainment License for BBQ Land, Inc., to extend the hours of entertainment was approved.

K. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business (Person to Person Transfer) for Mariscos Las Palmas located at 1651 N. Broadway was noted and filed.

L. AWARD OF BID
Resolution No. 2004-165 was adopted approving a contract with Arthurs Contracting, Inc., for Pond Distribution Piping, Bid No. 2005/01 in the amount of $1,028,000.

Resolution No. 2004-165 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH ARTHURS CONTRACTING, INC. FOR POND DISTRIBUTION PIPING, BID NO. 2005/01.

M. NOTICE OF COMPLETION
A Notice of Contract Completion was approved for Airport Bikeway Connector, Bid No. 2004/04.

N. AMENDMENT TO AGREEMENT
Resolution No. 2004-166 was adopted authorizing and directing the City Manager or designee to execute Amendment No. 1 to the agreement with A. J. Diani Construction Company, Inc., for baling agricultural plastic at the Santa Maria Regional Landfill.

Resolution No. 2004-166 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT WITH A. J. DIANI CONSTRUCTION COMPANY, INC. FOR BALING AGRICULTURAL PLASTIC AT THE SANTA MARIA REGIONAL LANDFILL.

O. MEMORANDUM OF UNDERSTANDING
Resolution No. 2004-167 was adopted approving a Memorandum of Understanding (MOU) with the Nipomo Community Services District (NCSD) for the sale of up to 3,000 acre-feet of supplemental water per year.

Resolution No. 2004-167 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING AND DIRECTING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SANTA MARIA AND NIPOMO COMMUNITY SERVICES DISTRICT (NCSD).

PUBLIC COMMENT

Salvador Gascon invited the public to attend a voter registration celebration at Preisker Park on Sunday, September 19, 2004, from 12:00 p.m. to 5:00 p.m.

Bob Ziener invited the public to a non-denominational prayer event at the Santa Maria Inn on Saturday, September 11, 2004, to commemorate the events of 9-11.

Corinne Bernstein commented on Sunday bus service and requested the hours of operation be extended until 6:00 p.m.

Hector Gonzalez spoke in favor of fluoridation and against Measure W and read excerpts from a newspaper article that was in the San Diego Union-Tribune regarding fluoridation.

Anthony Romero asked the City Council to support the idea of the voter registration celebration on September 19th and assist him in getting the information out to the general public. He also spoke against fluoridation of City water.

Ernest Armenta spoke regarding the sale of water to Orcutt and Nipomo. He also spoke in favor of the voters having the opportunity to vote on fluoridation.

Peter Lopez spoke about the St. Mary's Church Centennial Celebration and announced that the St. Mary's Church Centennial Committee had voted to work with the City to combine their centennial celebration with the City's.

ASUNCION GPZ

Director of Community Development Lindsey gave the staff report. On June 9, 2003, Tom Lopez, the applicant and property owner, submitted a General Plan/Zone Change application to amend the General Plan (Land Use) from LDR-5 (Low Density Residential/Five Units Per Acre) to MDR-12 (Medium Density Residential/Twelve Units Per Acre) and to change the zoning from R-1 (Single Family Residential) to PD-R2 (Planned Development/Medium Density Residential) for a 1.85 acre piece of property located at 450 and 460 West Stowell Road. On November 5, 2003, the Planning Commission voted 4-1 to recommend that the City Council deny the project. On January 6, 2004, the City Council conducted a public hearing and referred the project back to the Planning Commission for review and comment on the revised project design submitted by the applicants at the City Council meeting. The revised project design for the 18-unit project contains changes to address the neighbors' concerns such as an 8-foot masonry wall around the entire project perimeter, a 10-foot setback to the southern property line on Lots 4 and 5, a single story limitation for dwelling units on Lots 4 and 5, an increased side-yard setback on Lot 8 from 8 feet to 26 feet, vertical tree plantings added on the perimeter, decrease to the bulk of the roof, a revision to the floor plans of the detached dwelling units to create a more single family atmosphere, and CC&Rs and a homeowners' association to address common maintenance and upkeep of the property. On July 7, 2004, the Planning Commission considered the revised project design and on a 2-2 vote, took no action. The current zoning would allow nine single family homes that could be 30 feet high with balconies and would not require Planning Commission or City Council approval. The City Council has two options: (1) approve the project by adopting a resolution approving a Mitigated Negative Declaration for E-2003-025, adopting a resolution amending the General Plan, and introducing an ordinance to change the zoning; or (2) adopt a resolution denying the project.

Gordon Gill, representing the applicants, explained that after the City Council sent this project back to the Planning Commission, the applicants met with the neighborhood to try to address the residents' concerns. There were four main concerns raised at those meetings: privacy, fencing, maintenance, and traffic. He explained what steps had been taken to address those concerns. Some of the fences surrounding the neighboring properties are block and some are wood. The Lopez brothers have offered to remove the

wood fences at no cost to the property owners and replace them with the 8-foot block wall around the entire project. In order to make this appear more like a single family home project, they split some of the duplexes on Lots 2, 6 and 7 into two detached units. The traffic impact for the project is minor based on a traffic engineer's analysis, adding only about 10 additional peak time trips per day. The CC&Rs and the homeowners' association would take care of the maintenance of the common areas. The project is an excellent opportunity to implement the infill provisions of the Housing Element and the Mayor's Housing Task Force Report. It will be close to shopping, medical facilities, schools, and recreation and parks facilities.

Peter Lopez, one of the owners, presented a petition signed by 503 residents of Santa Maria in favor of the project, 80 of which live in the Stowell Manor and Victoria Gardens developments adjacent to the project.

Mayor Lavagnino opened the public hearing.

The following people spoke in favor of the project: Leo Garske, Didi Reynoso, Ivan Quang, Esau Blanco, Fred Siorda, Jim Gray, Virginia Brown, Joe Rosas, Maria Elena Sandoval, Joseph Sapien, Vince Martinez, Tony Creel, Yvonne Biely, Danny Custer, Eva Mendoza, Luis Magana, Maura Estrada, and Frank Medina.

The following people spoke in opposition to the project: Marilyn McCoy, Corinne Bernstein, Joseph Wiley, Richard Parker, Phyllis Wicks, Julius Kaudse, Janice Zern, Ed Crawford, Tina Centeno, Frank Zern, Gloria Ramirez, Gordon Chambers, Ralph Guerrero, Larry Zern, Ken Hansche, Laverne Wiley, Irene Hansche, and Mickey Freeman.

Gordon Gill stated probably one of the prime issues brought up by the surrounding property owners had to do with the privacy issue. Mr. Lindsey indicated what could be built on the property with current zoning with no restrictions, two story single family homes with balconies. The developers redesigned the floor plans to eliminate windows facing the eastern and western boundaries and limited the units on the southern boundaries to single story.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

Councilmember Mariscal stated there was no question about his position on this project. When he was a new Councilmember, he got a list of projects from staff that showed which housing developments were planned for the City. This project was one of them. The Council had just finished approving the Housing Element which was heavily influenced by Joe Centeno's Mayor's Housing Task Force. Mr. Lindsey mentioned how this project met all the criteria in the Housing Element. As a new Councilmember he went to staff and asked if this project was a good candidate for upzoning. After hearing that it met all the criteria, he contacted the developers and asked if they were interested. As a Councilmember, he thought it was part of his job to try to find ways to implement the Housing Element policies. This is a good project for a number of reasons. It is an effective use of the property. All parents want to be able to give their children the opportunity to participate in the community in the form of homeownership. This is a project that would give families the opportunity to do that. If you pick any two homes in the Stowell Manor area, the minimum sale price is probably between $300,000 or $400,000. To buy two homes side-by-side, it would cost about $800,000. Even if these duplexes sell for $500,000, it would still be $250,000 to $300,000 less for two families members or two friends. The idea of putting higher density developments closer to shopping and schools is to discourage people from driving. One of his biggest concerns with the opposition to the project was that people keep saying single-story, single-family residences would be okay. There is still the impression that if anything has to be built on the site, it had to be single-story, single-family homes. As a Councilmember, he has to look out for the whole community, not just the people in the surrounding area. He commended the people on both sides that had come out to speak on the project and asked them to get involved and stay involved in the community.

Councilmember Patino asked if there would be any type of median on Stowell as you exited the cul-de-sac to keep people from turning left.

Director Lindsey replied there would not be.

Councilmember Patino stated she saw the project as being very necessary and a very nice, pleasing project. She was impressed with the quality of the project. She didn't have a problem with changing zoning or changing the General Plan if it benefited the City. She asked if the CC&Rs could be legally enforced.

Interim City Attorney Stockton replied that the City did not enforce CC&Rs. CC&Rs were enforced by the homeowners' association.

Councilmember Patino stated unfortunately everyone wants to live on the coast. She said she understood the Stowell Manor homeowners had concerns about their neighborhood going down, and this project was another concern they had. She did not feel that this project was compatible with the area. She hoped the Lopez brothers would put the project someplace else in the City. People are asking the Council to save their homes and their lives, and she had to err in favor of them.

Councilmember Orach thanked everyone for coming to the meeting. He said he agreed with Councilmember Mariscal. The Housing Element that was approved by the Council recommended that the four square miles of older Santa Maria was a place for infill developments. The project met the criteria for infill development. The Lopez brothers did a phenomenal job of trying to mitigate all of the concerns of the surrounding neighborhood. The one thing that bothered him was the ethnic brush of the comments. No matter what ethnic background people might be, there are people who are homeowners and people who are renters who do not take care of their property. He supported the project and thought the mitigation measures would take care of all the problems the neighbors were foreseeing.

Councilmember Trujillo stated he appreciated the work that was done by the Mayor's Housing Task Force. This project is not a question of affordable housing, it is more of a market-rate housing project. Many of the people who spoke do not live in the area. He appreciates the problems that young people have today finding housing. This project is about density, privacy, and homeowners who purchased their homes many years ago. While he appreciated the value of the project, he did not think it was good for this particular area. The developer did a good job of trying to put together something that would be beneficial to Santa Maria. However, he had to oppose the zone change because of the people who had lived there 20, 30, or 40 years.

Mayor Lavagnino stated this is a very good project butting up to a very old established neighborhood. Santa Maria is supplying housing for the young people. Infill is a problematic thing. You have to take into consideration the project and the piece of ground it is going to be put on. The Lopez brothers have done everything they could to make this project acceptable to the surrounding neighborhood; but sometimes it is an unmovable object. It would be hard to tell people who have lived in their homes for 20 to 40 years, that the City is going to allow a project that they can not accept. As good as this project is, it will be a burden on the neighborhood, and he could not support it.

Resolution No. 2004-170 was adopted denying the General Plan Amendment and Zone Change on motion by Councilmember Patino, second by Councilmember Trujillo, and carried on the following vote:

AYES:	Councilmembers Patino, Trujillo, and Mayor Lavagnino
NOES:	Councilmembers Mariscal and Orach
ABSENT:	None
ABSTAIN:	None

Resolution No. 2004-170 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DENYING A GENERAL PLAN (LAND USE ELEMENT) AMENDMENT AND REZONE FOR THE ASUNCION PROJECT, GPZ-2003-004, E-2003-025, LOCATED AT 450 AND 460 WEST STOWELL ROAD, ASSESSOR'S PARCEL NUMBER 117-250-023 (1.85 ACRES).

LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

Police Chief Macagni gave the staff report. The passage of the 1996 Omnibus Appropriations Act by Congress made available block grants to local jurisdictions to reduce crime and improve public safety based on population. Under the terms of this legislation, the local government is required to hold at least one public hearing regarding the proposed use of these funds. Prior to the hearing, the City must establish an Advisory Board that includes representatives from local law enforcement, local prosecutor's office, local court system, and a local non-profit group active in crime prevention or drug use prevention or treatment. The local Advisory Board has come to a consensus on the proposed recommended use of the funds. This year the City will receive $22,414 to be used to upgrade the current Computer Aided Dispatch (CAD) software, install wireless phase two compliance software, and purchase a license for the Motorola Geofile Utility.

Councilmember Patino asked who represented the local non-profit group active in crime prevention or drug use prevention or treatment.

Chief Macagni explained that it was a representative from the Red Ribbon Committee.

Mayor Lavagnino opened the public hearing. Hearing no testimony, Mayor Lavagnino closed the public hearing.

Resolution No. 2004-171 was adopted approving appropriating funds from the Local Law Enforcement Block Grant Program on motion by Councilmember Trujillo, second by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2004-171 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING THE 2004 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FUNDS.

REPORT BY CITY MANAGER

Assistant City Manager Haydon reported on items for the September 21, 2004, City Council meeting including a presentation by the Santa Maria Valley Beautiful Committee on the City's Centennial Celebration, a presentation by Dave Mullinax of the League of California Cities on Proposition 1A, and an appointment to the All-America City Committee.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Patino reported that the Santa Maria Valley Beautiful Committee would be making a presentation at the next meeting of the Santa Maria Centennial geranium which was named specifically for the City's Centennial celebration.

CLOSED SESSION

The City Council recessed at 9:55 p.m. to a Closed Session for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; and Conference with Legal Counsel regarding potential litigation pursuant to Subsection (c) of Government Code Section 54956.9.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report.

Potential Litigation – Direction to staff was given to initiate litigation and that particulars will be disclosed upon inquiry once litigation is formerly commenced.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 10:19 p.m. by order of Mayor Lavagnino.

APPROVED September 21, 2004
Date

Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Deputy City Clerk

Mayor of the City of Santa Maria